Per C.V.NAGARJUNA REDDY, J.

This appeal is directed against order dated 20th of February, 1996 passed by the learned Single Judge whereby he dismissed Writ Petition No.2031 of 1988 filed by the appellant and confirmed the order passed by the second respondent – Land Reforms Appellate Tribunal in L.R.A.No.170 of 1982.

The appellant claims to be the absolute owner and possessor of land admeasuring Ac.1.80 cents in R.S.Nos.500/5, 500 and 501 of Chennur Village, Bandar Taluq, Krishna District. An agreement of sale dated 25-3-1971 is said to have been executed by the third respondent in favour of the grandfather-cum-father-in-law of the appellant, who agreed to purchase the property at the rate of Rs.3,000/- per acre. The entire sale consideration is said to have been paid on 9-3-1974 and possession delivered on the same day. After about two years, registered sale deed dated 1-4-1976 was executed by the third respondent in favour of the appellant.

It is borne out from the record that the land, which is said to have been sold by the third respondent to the appellant, was included by the former in the declaration filed by him under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short, 'the 1973 Act'). He also proposed to surrender that piece of land, but the primary Tribunal refused to accept the same on the ground that the third respondent was not in possession of the land proposed to be surrendered. L.R.A.No.170 of 1982 filed by the third respondent was allowed by the appellate Tribunal on the ground that as per order dated 13-3-1979 passed by the High Court in C.R.P.Nos.5858 and 5859 of 1978, the third respondent was entitled to surrender any of the lands included in his holding. In compliance of order dated 26-11-

1983 passed by the appellate Tribunal, the primary Tribunal accepted the proposed surrender of land by the third respondent. Thereafter, Revenue Divisional Officer, Bandar issued public notice in Form No.VIII under Rule 7(4) of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Rules, 1974 inviting objections. On coming to know of this, the appellant filed C.C.No.1067/B/1975 before the Land Reforms Tribunal with the prayer that the case may be reopened. She pleaded that land measuring Ac.1.80 cents had been purchased by her by registered sale deed and her possession is saved under Section 53-A of the Transfer of Property Act read with Section 10(5) of the 1973 Act. The Land Reforms Tribunal dismissed the application of the appellant by relying on the judgment of this Court in **Rudraraju Bhimaraju Rudraraju Padmaraju v. State of Andhra Pradesh**[1]. L.R.A.No.78 of 1985 filed by the appellant against the order of the Land Reforms Tribunal was dismissed by the Land Reforms Appellate Tribunal, Krishna District at Machilipatnam.

The appellant challenged the orders passed by the Land Reforms Tribunal and the Land Reforms Appellate Tribunal in Writ Petition No.2031 of 1988. The learned Single Judge, after a detailed consideration of the contentions urged on behalf of the appellant, dismissed the writ petition. The learned Single Judge noted that the appellant is said to have purchased the land in furtherance of an agreement of sale dated 25-3-1971 and held that in view of the deeming provision contained in Section 17 of the 1973 Act, the said transaction is liable to be treated as nullity.

We have heard Sri A.V.Sesha Sai, learned counsel for the appellant and perused the record. Learned counsel argued that the order passed by the appellate Tribunal in L.R.A.No.78 of 1985 and all consequential actions taken by the primary Tribunal and the Revenue

Divisional Officer are liable to be treated as null and void because all the proceedings were taken at the back of his client. He submitted that if notice and opportunity of hearing had been given to the appellant, she could have persuaded the authorities to exclude Ac.1.80 cents of land from the surplus area of the third respondent and, therefore, violation of rules of natural justice should be treated as fatal to the order impugned in the writ petition.

In our opinion, the aforementioned contention of the learned counsel cannot be accepted because no such argument was advanced before the learned Single Judge, and at this belated stage, we are not inclined to grant leave to the appellant to raise a new plea, the adjudication of which requires investigation into an issue of fact. Even otherwise, we are not prepared to accept this contention for another reason viz., that under Section 17 of the 1973 Act the question as to whether any transfer made after 24-1-1971 but before the notified date is valid or not, can be raised only by a transferor who made such a transfer between the said two dates. Since the appellant, as per her own assertion, is only a transferee, she does not have the locus to raise such a contention.

No other point has been argued.

In the result, the appeal is dismissed. However, the parties are left to bear their own costs.

As a sequel to dismissal of the appeal, interim order dated 24-4-1996 shall automatically stand vacated and WAMP.No.804 of 1996 is dismissed.

C.V. NAGARJUNA REDDY, J

21st September, 2006.

G.S. SINGHVI, CJ

msv

---

[1] 1978 (1) APLJ 45